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July 23, 2010

Filed Electronically

Hon. Michael A. Shipp, U.S.M.J.
District of New Jersey
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Renaissance Carpet and Tapestries, Inc. v. S&H Rugs, Inc. et ano.
Civil Action No. 09 -CV- 00632 (SRC-MAS)

Dear Judge Shipp:

This firm represents plaintiff, Renaissance Carpet and Tapestries, Inc., in the above-entitled action for infringement of its copyrights in designs for high quality carpets. I write regarding defendants' subpoenas of two of plaintiff's lawyers to give deposition testimony in this case. Defendants evidently intend to inquire about conversations between plaintiff and its former lawyer, Steven Simenowitz, and between plaintiff and one of its current lawyers, Thomas Kjellberg of this firm, concerning their submission of registration forms to the United States Copyright Office. Such conversations fall clearly within the scope of attorney-client privilege. Moreover, taking testimony from a party's lawyers implicates the lawyer-witness rule, whereby an advocate should not be placed in the position of vouching for his own credibility. The copyright registrations are admissible in evidence, and there is no factual dispute that they were executed by the lawyers – plaintiff will so stipulate. The client's officers and employees are available to testify about the basis for their claims of copyright, and there can be no proper basis for examining the lawyers on these topics.

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We accordingly ask that the Court preclude defendants from conducting these depositions.

Very respectfully,

A handwritten signature in black ink, appearing to read "Ronald W. Meister". The signature is fluid and cursive, with the first name "Ronald" being more prominent.

Ronald W. Meister
Attorney for Plaintiff

cc: Courtesy copy to court (via fax 973-645-4412)
Jay R. McDaniel (via fax 201-845-3777)